

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

| | | |
|---|---|--------------------------------|
| HOWARD HAWKINS | § | |
| <i>Plaintiffs,</i> | § | |
| | § | |
| | § | |
| ACE AMERICAN INSURANCE COMPANY | § | |
| <i>Intervenor</i> | § | |
| | § | Civil Action No. 2:17-cv-00260 |
| v. | § | |
| | § | |
| THE ESTATE OF JACK FRANZINO AND STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY | § | |
| <i>Defendants.</i> | § | |
| | § | |
| | § | |

**STIPULATION AND MOTION TO DISMISS WITH PREJUDICE PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff HOWARD HAWKINS, through his counsel of record, hereby stipulates and requests that the Court order as follows:

- (1) All claims and defenses asserted by Plaintiff HOWARD HAWKINS, Intervenor ACE AMERICAN INSURANCE COMPANY and Defendant THE ESTATE OF JACK FRANZINO in the above case shall be DISMISSED **with prejudice**;
- (2) HOWARD HAWKINS, ACE AMERICAN INSURANCE COMPANY and THE ESTATE OF JACK FRANZINO each shall bear their own costs and attorneys' fees.

Dated: August 9, 2018

Respectfully submitted,

/s/ *Shane McGuire*

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/s/ *Keith Miller*

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on **August 9, 2018**:

/s/ *Shane McGuire*

Shane McGuire